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December 16, 2003

02-278

Office of the Secretary  
 Federal Communications Commission  
 Attn: Wireline Competition Bureau  
 445 12<sup>th</sup> Street, S.W.  
 Washington, D.C. 20554

Subject: **Petition for Declaratory Ruling**

This petition is filed to seek a declaratory ruling on the question of "Whether or not recruiters are allowed to call individuals in their homes, for the purpose of discussing potential employment, under the guidelines of the Do Not Call List."

Recruiting requires that candidate employees be located to fill jobs created by employers. The employers pay the recruiters fees. Recruiters have historically called candidates at home to establish whether or not they might have an interest in the jobs listed with the recruiter by employers.

However, there is never a transfer of funds between the recruiter and the candidate. The recruiter sells nothing, but simply attempts to facilitate the matching of workers and jobs.

It should be noted that military recruiters routinely call high school students at home to recruit them into the military, under the authorization of the **No Child Left Behind Act**, the education law passed earlier in 2002. This legislation contains a provision requiring public secondary schools to provide military recruiters not only with access to facilities, but also with contact information for every student -- or face a cutoff of all federal aid.<sup>1</sup> The military recruiters use this information to call them at home.<sup>2</sup>

In a depressed economic environment where millions of persons are facing unemployment from the weak economy and the outsourcing of their jobs to other countries, recruiters in the private sector need the same unfettered access to call people for employment-related discussions, as that enjoyed by military recruiters.

<sup>1</sup> **No Child Unrecruited**, by David Goodman, November/December 2002 Issue, [www.motherjones.com/news/outfront/2002/45/ma\\_153\\_01.html](http://www.motherjones.com/news/outfront/2002/45/ma_153_01.html)

<sup>2</sup> **Military Recruiters Use New Law To Call High School Students - Federal Law Requires School Districts Such As Madison To Provide The Military With Student Data That Had Been Withheld**, Andy Hall, Wisconsin State Journal, 12-03-2002

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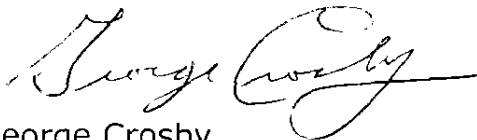
MedStaffing, Inc. is a recruiting company that finds Nursing and Allied Health professionals for medical facility clients. The clients sign search contracts with MedStaffing, Inc. Job orders are opened for each position within MedStaffing, Inc., and it is incumbent on MedStaffing, Inc. to find candidates to become employees and fill these positions.

MedStaffing, Inc. uses a variety of ways to reach possible candidates, with the telephone being one of the most effective and timely.

When candidates are contacted, the MedStaffing, Inc. recruiter ascertains whether or not the candidate has an interest in a specific job. If the answer is No, the call is ended. If the candidate expresses interest, the recruiter will ask for a resume, and other information as needed to place this individual in a specific job. Upon receipt of the resume, the recruiter submits the resume to the employer facility. If there is interest by the employer, an interview will be established with the candidate and coordinated by the recruiter. If this candidate is hired, MedStaffing, Inc. submits an invoice for payment to the employer facility. At no point is there a charge to the candidate, under any circumstances.

It is our belief at MedStaffing, Inc. that allowing recruiters to call candidates for job-related discussions facilitates higher levels of employment and thereby serves the public interest. We anticipate the Federal Communications Commission will agree, and provide a timely declaratory ruling to this effect.

Sincerely,

A handwritten signature in cursive script, appearing to read "George Crosby".

George Crosby  
Vice President, Business Development